



Phillip Kim
pkim@rosenlegal.com

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BY ECF

The Hon. Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Gilbert v. Azure Power Global Limited, et al.*, case no. 1:22-cv-07432-GHW

Dear Judge Woods:

We write on behalf of lead plaintiff movant Eric Webb in the above case.

On November 29, 2022, competing lead plaintiff movant Serap Lokman (Ms. Lokman) filed her reply which raised the first time her tourist visa and how such visa would allow her entry into the United States for this case. Dkt. No. 31 at 7, 12; *see also* Dkt. No. 32 ¶ 2.

Ms. Lokman's tourist visa is likely a B-2 visa, 9 FAM 402.2-4(A). B-2 visas do not permit entry into the U.S. for litigation. *See* 9 FAM 402.2-5(B)(4) ("Aliens should be classified B1 visitors for business, if otherwise eligible, if they are traveling to the United States to: ... (4) Litigate[.]"). That Ms. Lokman does not understand these requirements for this case is another material factor that weighs against her adequacy. *See* Dkt. No. 32 ¶ 2 ("I have a tourist visa that allows me to travel to the United States as frequently as I want and/or need."); *see also* Dkt. No. 31 at 7, 12.

B-1 visas, often called business visas, are required for entry into the United States for litigation. *See* 9 FAM 402.2-5(B)(4). To obtain a B-1 visa, assuming no other issues, Ms. Lokman would need to complete an in-person interview at a U.S. Consulate or Embassy in Turkey. *See* 9 FAM 402.2-7(C). Ms. Lokman lives in Adana, Turkey but the U.S. Consulate in Adana is currently closed to visa interviews.¹ The closest interview location is a five-hour drive away in Ankara at the U.S. Embassy—where there is a 137 day wait for an interview.² The U.S. Consulate General

¹ <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/wait-times.html>.

² *Id.*

in Istanbul currently has a 305 day wait for an interview.³ There are no other B-1 visa interview locations in Turkey.

Ms. Lokman is a business owner in the biomedical space. Dkt. No. 16-4. Her ignorance of the limits of her current visa raises material questions about other violations of her visa—such as whether she conducted business activities, including attending conferences, while on her other visits to the U.S.

In short, Ms. Lokman cannot enter the U.S. for this case under her B-2 visa. She is not guaranteed a B-1 visa to enter the U.S. for this case. Even if she could acquire a B-1 visa, it would likely take months of waiting and many hours of travel inside Turkey to obtain one. Finally, even if Ms. Lokman were to acquire the correct visa in time for relevant dates in this case, visas do not guarantee entry into the U.S.⁴

Respectfully submitted,

/s/ Phillip Kim (PK 9384)
Counsel for Eric Webb

cc: All counsel via ECF

³ *Id.*

⁴ <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visitor.html> (“A visa allows a foreign citizen to travel to a U.S. port-of-entry (generally an airport) and request permission to enter the United States. *A visa does not guarantee entry into the United States.*”). (Emphasis added.)